

Bond No. 1001053176

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Paramount Pictures Corporation; Warner Bros. Entertainment Inc.; Twentieth Century Fox Film Corporation; Columbia Pictures Industries, Inc.; Universal City Studios LLC; Universal Studios Home Entertainment LLC; and Disney Enterprises, Inc.;

Plaintiff(s)

vs.

John Does, Jane Does and/or XYZ Corporations d/b/a MOVIE TUBE; and John Does, Jane Does and/or XYZ Corporations 2-100.

Defendant(s)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/18/15

UNDERTAKING ON PRELIMINARY
INJUNCTION

INDEX NO. 15-CV-5819 (PAC)

WHEREAS, the Plaintiff(s) Twentieth Century Fox Film Corporation above named, is/are about to apply or has/have applied for a Preliminary Injunction in the above entitled action, restraining the Defendant(s) John Does, Jane Does and/or XYZ Corporations d/b/a Movietube; and John Does, Jane Does and/or XYZ Corporations 2-100., as more fully set forth in the Order dated July 28, 2015.

NOW, THEREFORE, U.S. SPECIALTY INSURANCE COMPANY, having an office and principal place of business for the State of New York at c/o The Hyde Agency, 321 Broadway, New York, NY 10007 does hereby, pursuant to the Statute in such case made and provided, undertake that the Plaintiff(s) will pay to the Defendant(s) John Does, Jane Does and/or XYZ Corporations d/b/a Movietube; and John Does, Jane Does and/or XYZ Corporations 2-100, so enjoined, such damages and costs not exceeding the sum of Twenty Five Thousand and No/100— Dollars (\$25,000.00), as John Does, Jane Does and/or XYZ Corporations d/b/a Movietube; and John Does, Jane Does and/or XYZ Corporations 2-100 may sustain by reason of the Injunction, if the Court shall finally decide that the Plaintiff(s) is/was not entitled thereto; such damages and costs to be ascertained by a reference, or otherwise as the Court shall direct.

Dated: August 11, 2015

U.S. SPECIALTY INSURANCE COMPANY

By: 

David J. Smith—Attorney-in-Fact

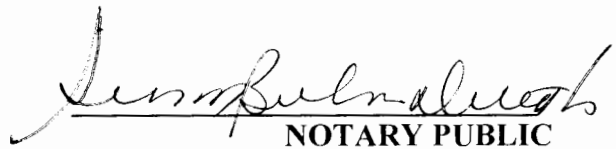
ACKNOWLEDGEMENT OF ANNEXED INSTRUMENT

Acknowledgement by Surety

STATE OF New York

COUNTY OF New York

On this 11th day of August, 2015 before me personally came David J. Smith who, being by me duly sworn, did depose and say that he/she is an Attorney-In-Fact of U.S. Specialty Insurance Company and knows the corporate seal thereof; that the seal affixed to said instrument is such corporate seal, and was thereto affixed by authority of the Power of Attorney of said Company, of which a Certified Copy is hereto attached, and that he/she signed said instrument as an Attorney-In-Fact of said Company by like authority.


NOTARY PUBLIC

SUSAN BULMAN-DITCHKUS
Notary Public, State of New York
No. 01BU6253961
Qualified in New York County
Commission Expires January 9, 2016

POWER OF ATTORNEY**AMERICAN CONTRACTORS INDEMNITY COMPANY UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY**

KNOW ALL MEN BY THESE PRESENTS: That American Contractors Indemnity Company, a California corporation, United States Surety Company, a Maryland corporation and U.S. Specialty Insurance Company, a Texas corporation (collectively, the "Companies"), do by these presents make, constitute and appoint:

David J. Smith of New York, New York

its true and lawful Attorney(s)-in-fact, each in their separate capacity if more than one is named above, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver **any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include riders, amendments, and consents of surety, providing the bond penalty does not exceed** ****One Million**** **Dollars (\$ **1,000,000.00**).** This Power of Attorney shall expire without further action on December 08, 2016. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings, including any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts, and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 10th day of December, 2012.

AMERICAN CONTRACTORS INDEMNITY COMPANY UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY

Corporate Seals




Daniel P. Aguilar, Vice President

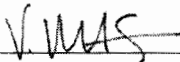
State of California

County of Los Angeles SS:

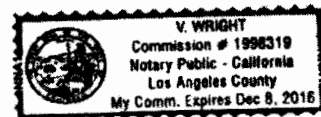
On 10th day of December, 2012, before me, Vanessa Wright, a notary public, personally appeared Daniel P. Aguilar, Vice President of American Contractors Indemnity Company, United States Surety Company and U.S. Specialty Insurance Company who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

Signature



(Seal)



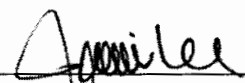
I, Jeannie Lee, Assistant Secretary of American Contractors Indemnity Company, United States Surety Company and U.S. Specialty Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Los Angeles, California this 11th day of August, 2015.

Corporate Seals

Bond No. 1001053176
Agency No. 11523




Jeannie Lee, Assistant Secretary

U.S. SPECIALTY INSURANCE COMPANY
STATUTORY STATEMENT OF ADMITTED ASSETS,
LIABILITIES, CAPITAL AND SURPLUS (1)
December 31, 2014

Admitted Assets

| | |
|---|----------------------|
| Investments: | |
| Fixed Maturities, at amortized cost | 1,602,021,248 |
| Common stocks | 141,837,243 |
| Cash and short term investments | 10,816,340 |
| Receivable for securities | 874,471 |
| <i>Total cash and invested assets:</i> | <u>1,755,549,302</u> |
| Investment income due and accrued | 17,055,937 |
| Premium receivable | 70,185,819 |
| Recoverable from reinsurers | 11,559,494 |
| Net deferred tax asset | 33,882,202 |
| Receivable from parent, subsidiaries and affiliates | 2,586,857 |
| | <u>135,270,309</u> |
| <i>Total admitted assets</i> | <u>1,890,819,611</u> |

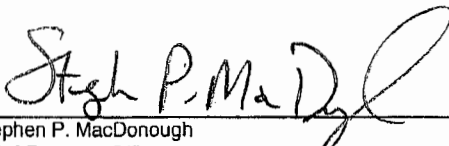
Liabilities and Capital and Surplus

| | |
|--|----------------------|
| Liabilities: | |
| Unpaid loss and loss adjustment expense | 949,092,017 |
| Commission payable | 14,318,325 |
| Accrued expenses | 3,819,077 |
| Taxes, licenses, and fees | 2,633,443 |
| Federal income tax | 4,627,949 |
| Unearned premiums | 251,639,646 |
| Advance premium | 12,818,837 |
| Dividends to policyholders | 223,004 |
| Ceded reinsurance balance payable | 52,236,359 |
| Funds held under reinsurance treaties | 13,245,873 |
| Amounts withheld or retained for others | 5,616 |
| Provision for reinsurance | 743,000 |
| Payable to parent, subsidiaries and affiliates | 6,561,950 |
| Payable for securities | 1,787,971 |
| <i>Total liabilities</i> | <u>1,313,753,067</u> |
| Capital and Surplus: | |
| Capital Stock | 4,200,000 |
| Additional paid-in and contributed capital | 187,779,428 |
| Unassigned surplus | 385,087,116 |
| | <u>577,066,544</u> |
| <i>Total liabilities and capital and surplus</i> | <u>1,890,819,611</u> |

(1) - In accordance with the statutory financial statements as filed on March 1, 2015.

I, Stephen P. MacDonough, Chief Financial Officer of U.S. Specialty Insurance Company, hereby certify that to the best of my knowledge and belief, the foregoing is a full and true Statutory Statement of Admitted Assets, Liabilities and Capital and Surplus of the Company as of December 31, 2014, prepared in conformity with accounting practices prescribed or permitted by the Texas Department of Insurance. The foregoing statement should not be taken as a complete statement of financial condition of the Company. Such a statement is available upon written request at the Company's home office located at 13403 Northwest Freeway, Houston, Texas 77040.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Corporation at Houston, Texas.



 Stephen P. MacDonough
 Chief Financial Officer

STATE OF NEW YORK
DEPARTMENT OF FINANCIAL SERVICES

It is hereby certified that

U.S. SPECIALTY INSURANCE COMPANY

Of Houston, Texas

a corporation organized under the laws of the State of Texas and duly authorized to transact the business of insurance in this State, is qualified to become surety or guarantor on all bonds, undertakings, recognizances, guaranties and other obligations required or permitted by law; and that the said corporation is possessed of a capital and surplus including gross paid-in and contributed surplus and unassigned funds (surplus) aggregating the sum of \$606,201,188 (Capital \$4,200,000) as is shown by its sworn financial statement for the First Quarter as of March 31, 2014, on file in this Department, prior to audit.

The said corporation cannot lawfully expose itself to loss on any one risk or hazard to an amount exceeding 10% of its surplus to policyholders, unless it shall be protected in excess of that amount in the manner provided in Section 4118 of the Insurance Law of this State.



In Witness Whereof, I have here-
unto set my hand and affixed the
official seal of this Department
at the City of Albany, this
2nd day of June, 2014

Benjamin M. Lawsky
Superintendent

By *Jacqueline Catalfamo*

Jacqueline Catalfamo
Special Deputy Superintendent